

**IN THE CLAIMS**

Please amend the claims as follows:

Claims 1-34 (Canceled)

35. (Withdrawn) A method of diagnosing a cancer in a subject, comprising:
- a) measuring a level of expression of an erbB-3 gene in a sample from the subject; and
  - b) comparing the level of expression of the erbB-3 gene in the sample from the subject to a level of expression of the erbB-3 gene in a sample from a control subject, whereby an increase in the level of expression of the erbB-3 gene in the sample from the subject, relative to the level of expression of the erbB-3 gene in the sample from the control subject, indicates a diagnosis of cancer in the subject.
36. (Withdrawn) The method of claim 35, wherein the subject is a human subject.
37. (Withdrawn) The method of claim 35, wherein the sample is a tumor sample.
38. (Withdrawn) The method of claim 35, wherein the cancer is a breast cancer.
39. (Withdrawn) The method of claim 35, wherein measuring the level of expression of an erbB-3 gene comprises:
- a) hybridizing nucleic acid in the sample from the subject with a probe that specifically hybridizes with erbB-3 nucleic acid; and
  - b) comparing the amount of hybridization in the sample from the subject to the amount of hybridization in the sample from the control subject, whereby an increased amount of hybridization in the sample from the subject, relative to the amount of hybridization in the sample from the control subject, indicates a diagnosis of cancer in the subject.

40. (Withdrawn) The method of claim 39, wherein the erbB-3 nucleic acid is genomic DNA.
41. (Withdrawn) The method of claim 39, wherein the erbB-3 nucleic acid is RNA.
42. (Withdrawn) The method of claim 39, wherein the erbB-3 nucleic acid is cDNA.
43. (Currently Amended) A method of ~~classifying a cancer as being correlated with a greater amount of~~ determining the level of expression of an erbB-3 gene ~~as compared to a control,~~ comprising:
- a) measuring the level of expression of ~~the~~ erbB-3 gene in a sample, ~~from a subject diagnosed with cancer;~~ and b) ~~comparing thereby~~ determining the level of expression of the erbB-3 gene in the sample ~~from the subject to the level of expression of the erbB-3 gene in a sample from a control subject, whereby a greater amount of expression of the erbB-3 gene in the sample from the subject, relative to the level of expression of the erbB-3 gene in the sample from the control subject, wherein overexpression of erbB-3 is~~ classifies the cancer as being correlated with a greater amount of expression of the erbB-3 gene human malignancy.
44. (Canceled)
45. (Previously Presented) The method of claim 43, wherein the sample is a tumor sample.
46. (Currently Amended) The method of claim 43, wherein the human malignancy is ~~cancer~~ is breast cancer.
- 47-50. (Canceled)
51. (Currently Amended) The method of claim 43 wherein ~~measurement~~ determining the level of expression of the erbB-3 gene comprises:
- a) contacting a biological sample from a subject with an antibody that binds to erbB-3 and

not to erbB (EGFR) or erbB-2;

b) comparing the level of antibody bound with the amount of antibody bound in a control,  
wherein an increased amount of antibody binding is indicative of overexpression of erbB-3.

52. (Previously Presented) The method of claim 51 wherein the antibody is polyclonal.

53. (Previously Presented) The method of claim 51 wherein the antibody is monoclonal.

54. (Previously Presented) The method of claim 52 wherein the antibody binds the extracellular domain of erbB-3.

55. (Previously Presented) The method of claim 52 wherein the antibody binds the intracellular domain of erbB-3.

56. (Previously Presented) The method of claim 53 wherein the antibody binds the extracellular domain of erbB-3.

57. (Previously Presented) The method of claim 53 wherein the antibody binds the intracellular domain of erbB-3.

58. (Previously Presented) The method of any one of claims 54, 55 56, or 57 wherein the antibody is detectable.

59. (Previously Presented) The method of any one of claims 54, 55, 56, or 57 wherein the antibody is bound to a support.

60-79. (Canceled)